IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1387(S/S) of 2005

1. Girivar Singh, son of Gopal Singh, Resident of GRM Road, Dhalwala, Rishikesh, Dehradun.

2. Deep Chandra Sharma, son of Prabhudayal, resident of 502, Awas Vikas Colony, Veer Bhadra Marg, Rishikesh.

.....Petitioners.

Versus.

1. Uttaranchal Pey Jal through its Managing Director, Dehradun, Uttaranchal.
2. The Managing Director, Uttaranchal Sansadhan Vikas and Nirman Nigam, Dehradun, Uttaranchal.
3. U.P. Jal Nigam through its Managing Director, 6, Rana Pratap Marg, Lucknow.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Vinay Kumar, holding brief of Sri S.S. Chauhan, learned counsel for the petitioners, Sri D.S. Patni, learned counsel for respondents no. 1 and 2 and Sri Sudhir Singh, learned counsel for respondent no. 3.

By means of this writ petition, the petitioners has prayed to issue a writ in the nature of Mandamus commanding the respondents to treat the petitioners under Hill Sub Cadre of Uttaranchal Pey Jal Nigam with all consequential benefits.

The submission of the petitioners is that they have opted for Hill Sub Cadre on 01.02.1993 and 20.02.1993 and

the cut off date for giving option under the order of U.P. Jal Nigam was 03.09.1994.

Learned counsel for the respondent nos. 1 and 2 has submitted that since the records pertaining to the petitioners were not available with the respondents (Department) as a result of which no decision could be taken on the options made by the petitioners.

Learned counsel for the petitioners has submitted that petitioners may not be relieved for State of U.P. as their names have not been included in the list of Hill Sub Cadre in spite of the fact that they have already opted for Hill Sub Cadre.

In view of the foregoing facts, respondent no. 3 is directed to provide records pertaining to the petitioners to respondents no. 1 and 2 within a period of four weeks to enable them to pass appropriate order on the option submitted by the petitioners. Respondents shall take final decision on the options of the petitioners for Hill Sub Cadre at the earliest and till the decision is taken on the petitioners' representation and communicated to the petitioners, parties shall maintain status quo.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

September 22, 2005
SKSharma